

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:05-CR-544 CAS
)	
MARVIN FORD,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on defendant's motion for a complete copy of the trial transcript in the above-captioned matter. Defendant states that he seeks the transcript in order to prepare a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255.

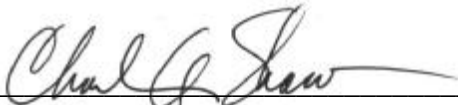
A prisoner has no absolute right to a transcript to assist him in the preparation of a collateral attack on his conviction, and constitutional requirements are met by providing such materials only after judicial certification that they are required to decide the issues presented by a non-frivolous pending case. United States v. Lewis, 605 F.2d 379, 379 (8th Cir. 1979) (citing United States v. MacCollom, 426 U.S. 317 (1976)). Defendant does not have a non-frivolous § 2255 motion pending before the Court. As a result, the motion for transcripts will be denied.

Defendant has also filed a motion to proceed in forma pauperis in his 28 U.S.C. § 2255 proceeding. The motion will be denied as not ripe for review, because defendant does not have a § 2255 motion pending.

Accordingly,

IT IS HEREBY ORDERED that defendant's motion for a trial transcript is **DENIED**. [Doc.

IT IS FURTHER ORDERED that defendant's motion to proceed in forma pauperis is **DENIED** as not ripe for review. [Doc. 72]



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 2nd day of March 2009.